

## REMARKS

### Status of the Claims

Claims 4, 8-10, 12-17, 23, 24, 29-36, and 39-43 are pending and under consideration in this application. Claims 39-42 stand rejected. Claims 39 and 42 have herein been amended. Support for the amendments can be found in the specification at, e.g., page 10, line 29 to page 11, line 9 and page 17, line 25 to page 19, line 7. No new matter has been added.

At page 2, the Office Action states that "it is not clear if claim 43 is canceled or not." To obtain a clear record, Applicants submit that claim 43 is, and has always been, pending in this application. However, due to a typographical error in the first paragraph of the Remarks section of the Amendment in Reply to Action of April 18, 2007, claim 43 was inadvertently stated to have been cancelled.

### Allowable Subject Matter

At page 3, the Office Action states that claims 4, 8-10, 12-17, 23-24, and 29-36 are allowed. Applicants appreciate the Examiner's acknowledgment of allowable subject matter.

### Rejection Under 35 U.S.C. § 103(a) (Obviousness)

At pages 2-3 of the Office Action, claims 39-42 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Linn et al. (U.S. Patent No. 5,800,989). According to the Office Action,

Linn et al does not explicitly teach the use of a polarized beam splitter that for splitting the two light beams that the polarized components are orthogonal to each other; however ... it would have been obvious to one having ordinary skill in the art at the time the inventions was made to use such a beam polarized splitter because this is a known polarized beam splitter which is known to serve for the purpose of Linn et al. (See Office Action at page 3).

While not conceding to any aspect of the Examiner's stated reasons for rejection, and solely in the interest of expediting prosecution of the subject application, Applicants have herein amended claim 39 to recite that the "detecting comprises separating first and second polarity

light using the optical device of claim 8[.]” As the optical device of claim 8 is novel and non-obvious over the art, use of the device is also novel and non-obvious. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 39-42 under 35 U.S.C. § 103.

### CONCLUSION

For the reasons set forth above, Applicants submit that all grounds for rejection have been overcome and that all of the pending claims are now in condition for allowance, which action is requested. Applicants do not accede to any positions of the Examiner not specifically addressed above, nor do Applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at the number provided below.

The fees for a Petition for a three (3)-month Extension of Time are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply these fees and any other charges or credits to deposit account 06-1050, referencing Attorney Docket No: 10296-066US1.

Respectfully submitted,

Date: March 25, 2008

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